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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,014

12/26/2006

Georg Himmelsbach

F-9191

6491

28107 7590 12/03/2007

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER

NGUYEN, DUNG V

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

12/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,014	Applicant(s) HIMMELSBACH, GEORG	
	Examiner Dung V. Nguyen	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-67 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 32-67 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/2006 & 10/12/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

2. The statement: "I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a)." is incorrect. The correct statement should read: "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 36-47, 49, 51 and 53 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a grinding machine having a first station 15 and a second station 15, does not reasonably provide enablement for a first grinding machine and a second grinding machine and a first station of the second grinding machine and a second station of the second grinding machine. The specification does not enable any person skilled in the art to which it pertains, or with

which it is most nearly connected, to make and use the invention commensurate in scope with these claims. It is not clear about second grinding machine having first and second stations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32-34, 42-47(32), 54-56, 65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (USPN 6,711,829) in view of Bernstein (US 5,333,480). Sano et al discloses a method and apparatus for grinding bearings and cams of an assembled camshaft 20 comprising a grinding machine 1, a concentricity measuring device 26 for measuring concentricity of the camshaft 20, a machine bed 2, a grinding head stock 3 mounted to the machine bed 2 and having a grinding wheel 7, a workingpiece headstock 16 and tailstock 14 each having a center 19, 15, the concentricity measuring device 26 attached to the grinding headstock 3 (note Fig. 1-4, col. 3, line 66 to col. 9, line 59). Sano et al does not explicitly disclose a device for straightening the camshaft. Bernstein discloses a straightening device 13 having flat surface pressure element 12 for straightening a camshaft 5 (note Fig. 5, col., 12, lines 1-68). All of the component parts are known in Sato et al and Bernstein. The only difference is the combination of the "old elements" into a single apparatus. Thus, it would have been obvious to one having ordinary skill in the art to integrate straightening

device disclosed by Bernstein on the grinding apparatus as shown in Sata et al, since the operation of the straightening device is in no way depend on the operating of the other equipment of the grinding apparatus, and the straightening device could be used in combination with a grinding apparatus to achieve the predictable results of grinding the camshaft.

7. Claims 35-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (USPN 6,711,829) in view of Bernstein (US 5,333,480). Sano et al discloses a method and apparatus as described above, lacks first and second stations in a grinding apparatus. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second station in the grinding apparatus, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

8. Claims 63, 64 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (USPN 6,711,829) in view of Bernstein (US 5,333,480). Sano et al discloses a method and apparatus as described above, Sano et al, modified by Bernstein, does not disclose expressly the straighten device comprises at least two roller or a prismatic shape having a recess. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select straighten device comprises at least two roller or a prismatic shape having a recess because Applicant has not disclosed that straighten device comprises at least two roller or a prismatic shape having a recess provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art,

furthermore, would have expected Applicant's invention to perform equally well with a flat surface. Therefore, it would have been prima facie obvious to modify to obtain the invention as specified in claims 63, 64 and 66 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Sano et al and Berstein.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wedeniwski, Hykes et al, Ido et al and Uchida et al are cited to show grinding apparatus and method for camshafts.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V. Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on PHP Program.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dung V Nguyen/
Primary Examiner, Art Unit 3723
November 30, 2007